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# Courthouses Should Go to State, Says Task Force

**BLAINE CORREN** 

A recent report from the Task Force on Court Facilities recommends that the state assume full responsibility for trial court facilities. The task force's Second Interim Report, released for public comment on April 9, further suggests that the complete transfer of responsibility for court facilities from the county to the state be carried out over a three-year period.

The report recognizes that the courthouse is a "key component in the administration of justice" and that it must be accessible, efficient, convenient, and safe. But it also notes that courts "face an uncertain future while responsibility for trial court facilities is unresolved" and that, as a result, many projects and needed upgrades to court buildings have been stalled.

"With the issue of who will assume primary responsibility for trial court buildings left in question, it is predictable and understandable that some counties are wary of committing to the construction and renovation of court structures," says Daniel J. Kremer, Presiding Justice of the Court of Appeal, Fourth Appellate District, Division One, and chair of the Task Force on Court Facilities. "To encourage new construction, the report recommends adoption of a procedure through which the state could compensate counties that begin work on preapproved court facilities which may ultimately become property of the state."

Over the past decade, several historic court reforms have transferred responsibility for California's trial courts from the counties to the state. Most notably, the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233) ended a system of dual county and state funding in an effort to provide a more stable and consistent funding source for trial court operations. The Legislature created the Task Force on Court Facilities to study a major issue left unresolved by the act-who would bear primary responsibility for trial court buildings.

The report estimates that the annual cost for operations, Continued on page 6



According to the Task Force on Court Facilities' Second Interim Report, many of the state's courts are in need of repair, renovation, or attention to a backlog of maintenance tasks. Photo: Jason Doiy

# IN THIS ISSUE

COURT FACILITIES REPORT ..... 1 **ENERGY CRISIS** AFFECTS COURTS ......1 MESSAGE FROM THE CHIEF JUSTICE.....2 COUNCIL ENSURING REPRESENTATION FOR CHILDREN......3 COMMITTEE NOMINATIONS......3 IN THE NEWS .....4 E-MAIL ANSWERS TO APPELLATE QUESTIONS ..4 APPELLATE PANEL FOR LABOR RELATIONS CASES ......4 WORK COMP ALTERNATIVE FOR TRIAL COURTS.....5 ARTWORK FOR FRESNO JURORS ......5 COUNTY PROFILE.....5 CALPERS UPDATE......6 CHIEF JUSTICE ANNIVERSARY ......7 NEW AOC ASSISTANT DIRECTOR......7 MENTAL HEALTH TREATMENT COURTS ..... 8 DEPENDENCY MEDIATION.....9 **Q&A WITH JUSTICE** RICHARD D. HUFFMAN..10 THREE-STRIKES NETWORK ..... 11 LICENSING OUT-OF-STATE LAWYERS.....11 WATCH ON WASHINGTON .....12 DRUG COURT CONFERENCE ......12 EDUCATION & DEVELOPMENT ......13 RESOURCES......13 COURT BRIEFS .....14 MILESTONES.....14 APPOINTMENTS ......15 CALENDAR.....16

# Courts Coping With Energy Shortages

BLAINE CORREN

Picture court clerks reading case files by the light of battery-powered lanterns. Now suppose the court's self-help center was forced to assist unrepresented litigants by flashlight. Unfortunately, court workers in Ventura County do not need to imagine these possibilities as California's power crisis has made them a recurring reality.

The impact that California's power shortage will have on residents, businesses, and the state's economy is open to much speculation. And in March, Chief Justice Ronald M. George, in his "State of the Judiciary" address, acknowledged that the power-induced damage to the state's economic fortunes will likely have an effect on the amount of state funding available for judicial programs and initiatives.

In addition to the impact on state government and the judicial branch as a whole, the power shortage is sure to have an effect on local courts. While surging utility bills remain the responsibility of the counties, courts in some parts of the state are already coping with power cutbacks and outages. Court News contacted several courts affected by the en-

ergy crises to learn how they are dealing with the situation.

#### Flashlights in Ventura

Since the power shortages began, brownouts have become almost a daily occurrence in the Superior Court of Ventura County. During these brownouts, lighting in the main courthouse, including courtrooms, is dimmed, making it necessary for some court employees to use alternative illumination such as lanterns and flashlights. In addition to the brownouts, the court has also experienced at least five blackouts so far that have lasted from one to two hours each.

"The county is participating in an energy reduction program to receive lower rates," explains Florence Prushan, Assistant Executive Officer for the Superior Court of Ventura County. "It has never been an issue until now." The county has assured the court that it is working on being able to provide court buildings with more power by this summer.

According to Ms. Prushan, productivity has started to suffer. During power shortages the court continues to operate, but must do so in very dim lighting. The court has been exploring alternative work patterns to stay

caught up with its workload by having staff work overtime and during lunch breaks.

"The doors have been kept open," adds Ms. Prushan. "Case processing has been a struggle, but the calendars are still on schedule. We'll be all right as long as it doesn't get any worse."

#### Santa Clara at Risk

In the Superior Court of Santa Clara County, the power shortage has been more of a nuisance than a crisis.

By April, the court's main administrative building had already been hit by rolling power outages three times. During these power failures, court staff had to deal with limited lighting and inoperative computers. Em-

Continued on page 7

### **Mental Health Courts**

According to the Mental Health Association of California, an estimated 30,000 to 50,000 mentally ill Californians are homeless. A result of a shortage of mental hospitals, the failure of social safety nets, and changes in the law that put many of the mentally ill into the community with little or no treatment or support, all too many of this population cycle in and out of the criminal justice system.

Court News reports how three California counties are addressing this challenge with mental health treatment courts. These specialty courts are court-community collaborations that stress close judicial supervision and allow for a wide range of sentencing and rehabilitation options.

The story begins on page 8.

MAY-JUNE 2001 COURT NEWS



Chief Justice Ronald M. George

#### MESSAGE FROM THE CHIEF JUSTICE

## **State of the Judiciary**

Chief Justice Ronald M. George delivered the "State of the Judiciary" address to a joint session of the state Legislature on March 20 in Sacramento. He reflected on the courts' accomplishments since he became Chief Justice five years ago, including advancements in the areas of court funding, efficiency, access, facilities, security, interpreters, and technology. The following excerpts from his address detail the benefits of one of the California judiciary's major accomplishments that was recently completed—unification of all of the state's trial courts into 58 countywide court systems.

hile the primary goals of the judicial branch—fairness and access to justice for all—have remained constant, recent transformations in the fundamental structure of the judicial system, accomplished only with your help and guidance, have resulted in innovations focused on improving service to the public at a rate unsurpassed at any time in our state's history.

#### TRIAL COURT UNIFICATION

[A] fundamental structural change for the judicial branch is the unification of the superior and municipal courts into a single level of trial court. This has had profound effects on the service we provide to the public.

Starting in the early '90s, at the urging of the Legislature, courts were encouraged, on a county-by-county basis, to reorganize in order to avoid duplication and to make better use of available resources. From coordination to consolidation, this trend culminated in the 1998 enactment of Proposition 220, the constitutional amendment that you placed on the ballot permitting trial courts on a county-by-county basis—upon a majority vote of the judges of each level of trial court, municipal and superior—to unify.

Proposition 220 passed overwhelmingly in June 1998. The courts began literally the next day to vote to unify. And on February 8 of this year, I administered the oath of office for Judge of the Superior Court to the last four municipal court judges in California as Kings County became the final county to unify. When we began the process, we had some 220 separate trial courts. We now have 58—one in each county. In short, California's former hodgepodge of trial courts has been transformed into a single, unified system.

#### INCREASED FLEXIBILITY

What often has been striking has been not only that the apprehension in some quarters that countywide unification would lead to less responsiveness to local concerns has proved unfounded, but the opposite has occurred. In Riverside County, for example, residents can now, at any court facility countywide, file documents, pay fines and fees, request continuances and extensions, enroll in traffic school, and select their court date. Family law and probate court services have been expanded to additional court locations. Office hours have been extended countywide, and an individual in any courthouse can gain computer access to any case pending in the county.

Cross-training of staff and realigned assignments for judges in counties from Yolo to Los Angeles has facilitated case processing. The depth of judicial and staff knowledge has increased, permitting quick backup when needed and faster turnaround for orders and hearings.

The Yolo County court, for example, now has a sameday turnaround on domestic violence and restraining orders as well as expedited guardianship proceedings. Merced County reports that, because of the larger pool of judges it can draw upon, the need to request assistance through the assignment of retired or out-ofcounty judges, when there are disqualifications or other scheduling problems, has been greatly reduced.

#### IMPROVED ACCESS

In Lassen County, fiscal limitations had restricted courts to 7 hours of public access daily. The integration of municipal and superior court staff has permitted hours to be expanded to a 10-hour day running from 7:30 a.m to 5:30 p.m., enhancing access for all citizens of the county, some of whom must travel 75 miles to Lassen's sole court location.

In Placer County, the court facility in Tahoe City now houses a court of general jurisdiction, reducing the need

for litigants, counsel, witnesses, the sheriff's office, and others to make the 170-mile round trip—often arduous in winter—across the Sierra to Auburn. Mono County also reports that using a former municipal court facility in the southern portion of the county as a new superior court location with general jurisdiction has saved local residents and lawyers a 50-mile-or-more trip, and is proving so popular that a second courtroom is being furnished in that location to meet demand.

#### **FACILITATING INNOVATION**

One theme repeated again and again by the trial courts is that unification has permitted them to create drug courts, domestic violence courts, and improved juvenile court services that previously could not be staffed. These specialized courts now function and have been expanded in counties across the state, including Alameda, Fresno, Humboldt, Orange, Riverside, Sacramento, and San Bernardino. In the San Diego court alone, five judges have been redeployed to family and juvenile court, and drug court operations have been increased. New developments continue: Santa Clara's court conducted the first juvenile court mental health calendar in the nation on February 14 of this year, and a community court there will follow at the end of September.

#### **EXPANDING SERVICES**

In Los Angeles County, 25 separate court systems merged into one. The court there reported more than \$1.2 million in savings during the first six months of unification, primarily from attrition in positions no longer needed after unification. That funding has been redirected to increase the number of sites in Los Angeles at which the public can obtain domestic violence temporary restraining orders, to open family information centers to provide help to unrepresented litigants, and to hold a special court to assist homeless litigants in clearing court cases and facilitate their ability to rejoin productive society.

In Solano County, a relatively small jurisdiction, eliminating management duplication and improving efficiency resulted in \$650,000 in savings that were used to establish drug courts, improve case handling, and place the court in a position in which it could negotiate with the county a \$5 million construction project, including three new courtrooms, and an expanded jury assembly room. . . .

#### **GREATER EFFICIENCY**

In addition to creating dedicated courts for specific classes of cases, many courts have been able to improve how they process caseflow generally. In Orange County, myriad local rules have been replaced with a unified set of rules establishing the same practices for all court facilities.

In Santa Cruz, the court created a modified direct/master calendar system, assigning every case directly to a team of judges who handle the case from filing to disposition. That court's executive officer proudly states, "Our court went from a four-year wait for trial in civil cases to no wait."

In Santa Clara, the court has virtually eliminated delay in both civil and criminal cases and, among other accomplishments, reduced its felony trial inventory from almost 1,000 cases to 358. This was accomplished by reorganizing the assignment of judges in order to increase the early resolution of cases and by expanding drug treatment courts to both felonies and misdemeanors and to cases at all court locations. Kern County has focused on early dispositions, too, reducing felony trials by 20 percent in one year.

Imperial County's court now can send cases to trial with unprecedented speed—in contrast to the past when most civil cases were pressing against the deadline of the five-year statute. Imperial now has what it describes as a "new trial-ready court culture" that has resulted in an increased settlement rate. . . .

I am pleased to report that with the tools that the legislative and executive branches and the people of California have provided us, the courts have vastly transformed the delivery of services to the public. Our job is not done; indeed, it will never be complete. Our constantly changing society will always find new challenges to lay at the courthouse door.



For the full text of the Chief Justice's "State of the Judiciary" address, visit the California Courts Web site at

www.courtinfo.ca.gov /reference/soj0301.htm. MAY-JUNE 2001

**Judicial Council Action** 

## New Rule Adopted to Help Ensure Legal Representation for Children

t its April 27 meeting, the Ju-Adicial Council approved an amended court rule that will help ensure that children in dependency cases have adequate legal representation. Approximately 90,000 children are involved in dependency proceedings each year in California.

The council's action came in response to Senate Bill 2160, which requires the appointment of counsel for children in dependency actions unless the court finds the child would not benefit from such an appointment. The council approved amendments to rule 1438 of the California Rules of Court that:

□ Specify the criteria necessary for the court to find that the child would not benefit from the appointment of counsel;

□ Expand training requirements for court-appointed counsel in child abuse and neglect cases; and

☐ Establish guidelines for appointment of a Court Appointed Special Advocate (CASA) for a specific proceeding if an attorney is not appointed for the child.

In addition, the council directed that a new rule be developed to clarify the duties of guardians in dependency proceedings and asked that a study be completed to help determine appropriate caseloads for courtappointed counsel. The council also directed that funding for children's counsel not be spent on other court activities.

#### New ADR Procedures, **Ethics Rules**

At its meeting, the council also approved new procedures for references and ethics standards for temporary judges, referees, and arbitrators in judicial arbitration programs. Both measures, recommended by the Task Force on the Quality of Justice, Subcommittee on Alternative Dispute Resolution and the Judicial System, are designed to:

☐ Update court rules relating to court-ordered references so that they correspond to recent legislation;

☐ Enhance enforcement of and compliance with ethical standards applicable to temporary judges, referees, and courtappointed arbitrators; and

□ Clarify that the reference procedure may not be used to appoint a person to conduct a mediation as it creates an inherent conflict for the appointee because, by statute, referees report back to the court, while mediators are prohibited from reporting to the court.

#### **OTHER ACTIONS**

In other actions, the council:

☐ Agreed to review comments from the courts on the Task Force on Court Facilities' Second Interim Report, about California's 451 court buildings, which recommended that the state take full financial responsibility for trial court buildings.

☐ Adopted a rule to allow a mother who is breastfeeding a child to defer jury service for up to one year. The rule was developed in response to legislation passed last year.

☐ Approved a process for translating domestic violence protective order forms.

□ Approved the distribution of \$12.95 million in deficiency funding for unfunded fiscal year 1999-2000 negotiated salary increases in state trial

□ Approved the distribution of \$5.254 million to trial courts for fiscal year 2000-2001 implementation costs for negotiated salary increases for security

☐ Approved the allocation of \$2.75 million to trial courts on a one-time basis for errors in reporting fiscal year 1996-1997 expenditures. This distribution includes funding for 16 courts in various areas of court administration, including security, technology, court-appointed counsel, and records storage.

☐ Approved a one-time allocation of \$373,000 to three trial courts in response to emergency funding requests.

☐ Approved several new and amended rules and forms to improve statewide court practice and procedure.

## Nominations Sought for Council, Advisory Committees

Want to make a difference in improving the administration of justice in California? The Judicial Council is now accepting applications for 14 of its advisory committees, one advisory committee appointed by the council and State Bar, and for the council itself.

Nominations for the Judicial Council are being accepted through May 31; nominations for advisory committees are being accepted through June 30.

#### **Nomination Criteria**

The council's Executive and Planning Committee reviews nominations and forwards recommendations to the Chief Justice for appointment. Individuals are selected according to criteria such as: prior service and active participation on a council advisory committee (for Judicial Council nominations only); interest in and experience with court administration; ability to maintain collegial working relationships; demonstrated leadership; and subject matter expertise.

It is also important for the selected nominees to represent diverse backgrounds, experiences, and geographic locations. Council and advisory committee members do not serve a specific constituency but rather act in the best interests of the public and the entire court system.

#### **Judicial Council Vacancies**

The California Constitution created the Judicial Council, chaired by the Chief Justice, to provide policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure, and administration. It is directly responsible for:

and setting priorities for the continuous improvement of the court system; □ Promulgating rules of

☐ Establishing direction

court administration, practice, and procedure;

□ Sponsoring and taking positions on legislation that affects the California judicial system;

☐ Approving budgets for the California judicial branch;

□ Approving reports to the Legislature; and

☐ Responding to appropriate mandates from the Legislature.

Following are the vacant positions that will be appointed by the Chief Justice for a fouryear term commencing September 15, 2001:

☐ Appellate court justice (1)

☐ Superior court judge (3) □ Court administrator (1)

For more information about the Judicial Council, visit the California Courts Web site at www

.courtinfo.ca.gov/courtadmin/jc/.

#### **Advisory Committees**

To provide leadership for advancing the consistent, impartial, independent, and accessible administration of justice, the Judicial Council must be aware of the issues and concerns confronting the judiciary, as well as appropriate solutions and responses. The council carries out this mission primarily through the work of its advisory committees and task forces.

The advisory committees advise the council as it works to study the condition of court business and improve judicial administration. To find out the purpose and current membership of each committee, visit www

.courtinfo.ca.gov/courtadmin/jc /advisorycommittees.htm.

Nomination letters and application forms can be downloaded from the California Courts Web site at www.courtinfo.ca.gov /courtadmin/jc/nomform/htm,

or they can be completed online.

For more information, contact Secretariat and Conference Services, Administrative Office of the Courts, 415-865-7640. **■** 

#### Advisory Committee Vacancies

erms of service on advisory committees are generally three years and begin on November 1. Nominations are being solicited for the following advisory committee vacancies:

#### **Access and Fairness**

- Trial judge, commissioner, or referee
- Trial court judicial administrator
- Attorney with expertise in disability issues
- Public member **Appellate**
- Appellate justice
- Appellate court administrator
- Civil appellate attorney

#### **Center for Judicial Education and Research**

- Appellate justice
- Sitting judge, commissioner, or referee Judicial administrator

#### **Civil and Small Claims**

- Appellate justice
- Trial judge, commissioner, or referee
- Judicial administrator
- Attorney whose primary practice is civil law Person knowledgeable about small claims law
- and procedure

#### **Collaborative Justice Courts**

- Trial judge, commissioner, or referee
- Judicial administrator
- Treatment or rehabilitation provider
- Law enforcement (police/sheriff)

## **Court Executives**

Trial court administrator or executive officer

#### **Court Interpreters**

- Judicial administrator
- Attorney
- Certified court interpreter

## **Court Technology**

- Trial judge, commissioner, or referee
- Appellate court judicial administrator
- Trial court judicial administrator

#### **Criminal Law**

- Appellate justice
- Trial judge, commissioner, or referee
- Judicial administrator
- Person knowledgeable about criminal law

#### **Family and Juvenile Law**

- Appellate justice
- Trial judge, commissioner, or referee Child custody mediator
- County counsel
- Court Appointed Special Advocate director
- Attorney whose primary practice is family law District attorney assigned to juvenile delin-
- Attorney from a public or private defender's
- office whose primary practice is juvenile law

#### **Legal Services Trust Fund**

- Trial judge (nonvoting member)
- Attorney

#### **Probate and Mental Health**

- Trial judge, commissioner, or referee
- Lawyer, examiner, or probate investigator who works for a court on probate or mental health
- Person knowledgeable in mental health, developmental disabilities, or private management of probate matters

#### Traffic

Trial judge, commissioner, or referee